

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LAURENCE ABRAMS,

No. 08 CV 02148 (JSR)

Plaintiff,

- against -

**ANSWER TO
COUNTERCLAIMS**

KINGSBRIDGE HEIGHTS CARE CENTER, INC.,

Defendant.
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Plaintiff, LAURENCE ABRAMS, by his attorneys, LITTMAN & AGOSTISI, ESQS., answering the Counterclaims of the defendant, KINGSBRIDGE HEIGHTS CARE CENTER, INC., alleges as follows, upon information and belief:

1. DENIES upon information and belief the contents of the paragraphs of the Answer & Counterclaims numbered 26, 27, 30, 33, 34, 35, 37, 38, 39, 40, 41 and 42.
2. DENIES having knowledge or information sufficient to form a belief as to the contents of the paragraphs of the Answer & Counterclaims numbered 10, 11, or 12 and refers all questions of law to the Court.
3. DENIES having knowledge or information sufficient to form a belief as to the contents of the paragraphs of the Answer & Counterclaims numbered 13, 14, 31, 32, and 36.
4. DENIES having knowledge or information sufficient to form a belief as to the contents of the paragraphs of the Answer & Counterclaims numbered 17, 18, 19, 20, 21, 22, 25, 28, and 29 and refers all questions of law to the Court.
5. ADMITS that he and Slovomir Filitzcuk and Soloman Rutenberg are employed by Workmen's Circle Multicare Center; denies the remainder of the paragraph of the Answer & Counterclaims numbered 24.

**AS AND FOR A RESPONSE TO THE
DEFENDANT'S FIRST COUNTERCLAIM**

6. Plaintiff, LAURENCE ABRAMS, repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Answer to Counterclaims marked "1" through "5" inclusive, with the same force and effect as if set forth at length herein.

7. DENIES upon information and belief the contents of the paragraphs of the Answer & Counterclaims numbered 44 and 45.

**AS AND FOR A RESPONSE TO THE
DEFENDANT'S SECOND COUNTERCLAIM**

8. Plaintiff, LAURENCE ABRAMS, repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Answer to Counterclaims marked "1" through "7" inclusive, with the same force and effect as if set forth at length herein.

9. DENIES upon information and belief the contents of the paragraph of the Answer & Counterclaims numbered 47.

**AS AND FOR A RESPONSE TO THE
DEFENDANT'S THIRD COUNTERCLAIM**

10. Plaintiff, LAURENCE ABRAMS, repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Answer to Counterclaims marked "1" through "9" inclusive, with the same force and effect as if set forth at length herein.

11. DENIES upon information and belief the contents of the paragraphs of the Answer & Counterclaims numbered 49, 50 and 51.

**AS AND FOR A RESPONSE TO THE
DEFENDANT'S FOURTH COUNTERCLAIM**

12. Plaintiff, LAURENCE ABRAMS, repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Answer to Counterclaims marked "1" through "11" inclusive, with the same force and effect as if set forth at length herein.

13. DENIES upon information and belief the contents of the paragraph of the Answer & Counterclaims numbered 53.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

14. Defendant engaged in misconduct and has otherwise acted improperly, its Counterclaims are barred, in whole or in part, by the doctrine of unclean hands and/or estoppel.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

15. Defendant has failed to mitigate its damages.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

16. The Counterclaims fail to state a claim upon which relief can be granted.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

17. The Counterclaims are barred, in whole or in part, because the defendant's alleged damages were not directly or proximately caused by any alleged action or wrongdoing by the plaintiff.

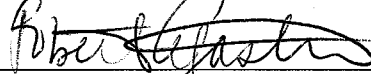
AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

18. This Court lacks jurisdiction over defendant's state law Counterclaims against the plaintiff; alternatively, this Court should decline to exercise supplemental jurisdiction over defendant's state law Counterclaims.

WHEREFORE, the plaintiff demands judgment dismissing defendant's Counterclaims in their entirety with prejudice, together with the costs and disbursements of this action, reasonable attorneys fees, and such other and different relief as to this Court may seem just, proper and equitable.

Dated: Long Beach, New York
May 22, 2008

LITTMAN & AGOSTISI, ESQS.
1 West Chester Street
Long Beach, NY 11561
(516) 431-1000, ext. 255


Robert M. Agostisi (RA0071)

TO: PAUL M. SOD, ESQ.
Attorneys for Defendant
337 R Central Avenue
Lawrence, New York 11559